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EXAMINER

BROOKS, MATTHEW L

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,859

Applicant(s)

HASEGAWA ET AL.

Examiner

Matthew L. Brooks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112 1st

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claim 19** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The term "authentication section" was not located in the specification as originally filed and is determined to be new matter. If Applicant shows support for in subsequent action rejection will be pulled. For purpose of novelty/non-obvious Examiner examined the claim.

3. **Claims 17 and 19** are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Registration of a user and assignment of a user registration critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Applicant has claimed to be searching a registration database but in the previous claim 3 has failed to ever register a user and/or assign a user ID or issue a password for that matter. All of which likely need must occur and be claimed in order for the

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invention to function. Examiner is having serious problems understanding the scope of the claims. For purposes of obviousness below interprets claims to mean merely what is known in the art "a user is given a password, puts in his/her password for verification, then sending digital content/html doc if user and password match." All of which is taught by Sormunen, see below.

Claim Rejections - 35 USC § 112 2nd

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 17 and 19** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In general the language is confusing and indefinite. Also, as to claim 19 "...wherein the transmitting transmits..." Examiner thinks this should be the "transmitting section transmits..." Appropriate action is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. **Claims 3, 4, 11 and 12** are rejected under 35 U.S.C. 102(e) as being anticipated by PC Magazine; May 23, 2000 (PC Mag) attached herein.

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(Essentially Examiner maintains the same rejection issued in the previous rejection with respect to the old claims and the 102 issued, a discussion of why maintained is found in the Response to Arguments below and is claim mapped directly below as Applicant combined the claims).

8. With respect to **Claim 3**: PC Mag discloses

A method of validating an entrance to an event site, comprising the steps of:

accessing to a ticket issue server through a network by a portable terminal device to request an issue of ticket data (See foot note (fn) 1; wherein the PC Mag's PDA is the same as a portable terminal device and because the ticket is purchase on the web there must be a server that issues tickets);

accepting a request of the ticket data at the ticket issue server and transmitting the ticket data in place of a physical ticket to the portable terminal device in response to the request (See foot notes 1 and 2); and

receiving the ticket data by the portable terminal device to reproduce the ticket data in a visible or audible form at the event site for validating of the entrance to the event site (See foot notes 2 and 3 wherein this is inherently included in PC Mag because it shows ticket reproduction on the portable device and the user getting admitted to the event).

wherein the ticket data is visibly reproduced in the form containing at least one of a predetermined graphic, predetermined character strings and a bar code on a display of the portable terminal device (See fn 2)

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wherein the ticket data comprises script information effective to specify a display mode of the ticket data when the ticket data is visibly reproduced on the display of the portable terminal device (See fn 2).

9. With respect to **Claim 4**: PC Mag discloses

A method of validating an entrance to an event site, comprising the steps of:

accessing to a ticket issue server through a network by a portable terminal device to request an issue of ticket data (See foot note (fn) 1; wherein the PC Mag's PDA is the same as a portable terminal device and because the ticket is purchase on the web there must be a server that issues tickets);

accepting a request of the ticket data at the ticket issue server and transmitting the ticket data in place of a physical ticket to the portable terminal device in response to the request (See foot notes 1 and 2); and

receiving the ticket data by the portable terminal device to reproduce the ticket data in a visible or audible form at the event site for validating of the entrance to the event site (See foot notes 2 and 3 wherein this is inherently included in PC Mag because it shows ticket reproduction on the portable device and the user getting admitted to the event); and

reading the ticket data visibly reproduced on the display for determining whether or not the ticket data is authentic (See fn 2).

wherein the ticket data is visibly reproduced in the form containing at least one of a predetermined graphic, predetermined character strings and a bar code on a display of the portable terminal device (See fn 2).

10. With respect to **Claim 11**: PC Mag discloses

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A system for validating an entrance to an event site comprising a ticket issue server and a portable terminal,

said portable terminal device comprising,

an accessing section that is operated to access to the ticket issue server through the network to make a request for an issue of ticket data (See fn 1),

a receiving section that receives the ticket data from the ticket issue server (See fn 2), and

an output section that reproduces the ticket data by a visible form at the event site in place of a physical ticket for validating of the entrance to the event site, the visible form containing at least one of a predetermined graphic, predetermined character strings and a bar code (See fn 2 and 3), and

said ticket issue server being connected to the portable terminal device through the network and comprising

an accepting section that accepts the request from the portable terminal device for issuing the ticket data (See fn 1), and

a transmitting section that transmits the ticket data through the network instead of a physical ticket to the portable terminal device in response to the request (See fn 1 and 2).

wherein the ticket issue server issues ticket data comprising script information effective to specify a display mode of the ticket data when the ticket data is visibly reproduced on a display of the portable terminal device (See fn 2).

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11. **Claim 12** (currently amended) A system for validating an entrance to an event site comprising a portable terminal device, a ticket issue server and a reading device,

said portable terminal device comprising:

an accessing section that is operated to access a ticket issue server through a network to make a request for issuance of ticket data (fn 1, wherein PDA is being used to purchase a ticket via the internet);

a receiving section that receives the ticket data from the ticket issue server (fn 2, ticket has been received): and

an output section that reproduces the ticket data in a visible form at the event site instead of a physical ticket for validating of the entrance to the event site (fn 2, PDA displays ticket for validation, if not at a minimum to the user of the device), the visible form comprising at least one of a predetermined graphic, one or more predetermined character strings and a bar code (fn 2, where predetermined graphic of a ticket is seen); and

said ticket issue server being connected to the portable terminal device through the network and comprising

an accepting section that accepts the request from the portable terminal device for issuing the ticket data (fn 1, PDA is seen purchasing a ticket given broadest reasonable interpretation, it is from a server which issues the ticket) and

a transmitting section that transmits the ticket data through the network instead of a physical ticket to the portable terminal device in response to the request (fn 2, transmitted ticket is now seen on the face of the PDA),

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said reading device being provided at the event site and that reading the ticket data visibly reproduced on a display of the portable terminal device to determine whether or not the ticket data is authentic (fn 3, says "scans the voucher" thus is reading the ticket data which has been visibly reproduced on the screen).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. **Claims 18 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over PC Mag in view of HYMEL International Publication Number WO 00/03328 20 January 2000 (attached herein).

15. PC Mag teaches all of the limitations of Claims 4 and 12 as demonstrated above and discussed below, and particular to this rejection, teaches displaying

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predetermined ticket/coupon data and reading said ticket/coupon data via Bluetooth wireless technology to allow admittance to an event.

PC Mag does not teach that the ticket/coupon data on the display could be in the form of a bar code.

Hymel teaches that it was well known with in the art to send coupon/ticket data to a portable terminal device to later be scanned by a conventional barcode scanner at a point where a user desires to use a coupon (pg 4, 1-10 and pg 5, 1-2) Furthermore Hymel teaches a database that chooses whether or not to accept the coupon based upon whether or not previously used (pg 10, 13-25). Furthermore still Hymel teaches providing to a mobile device a coupon for display such that the coupon can be redeemed at the point of sale and also a reading of the information in a barcode format (pg 16, claim 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of PC Mag "E-Coupon and E-Ticket to Go" (see title) to use a barcode to represent the ticket data instead of a predetermined graphic and bluetooth scanner. Using barcodes for ticket data is well known with in the art as a suitable form for determining validity and or redemption of tickets and or coupons.

NOTE: Both the dictionary and the person of ordinary skill in the art use the terms "coupon" and or "ticket" very loosely to mean essentially the same thing. See definition of coupon below from Merriam Webster's On-line dictionary retrieved on 1/28/06.

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Main Entry: **cou-pon** ㄏㄣˊ ㄆㄨㄣˊ

Pronunciation: 'kü-"pän, 'kyü-

Function: *noun*Etymology: French, from Old French, piece, from *couper* to cut-- more at COPE

1 : a statement of due interest to be cut from a bearer bond when payable and presented for payment; *also* : the interest rate of a coupon

2 : a form surrendered in order to obtain an article, service, or accommodation: as **a** : one of a series of attached tickets or certificates often to be detached and presented as needed **b** : a ticket or form authorizing purchases of rationed commodities **c** : a certificate or similar evidence of a purchase redeemable in premiums **d** : a part of a printed advertisement to be cut off to use as an order blank or inquiry form or to obtain a discount on merchandise

16. **Claims 5-8 and 13-17 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over PC Mag in view of Sormunen, Patent Number: 6,112,078.

PC Mag teaches all of the steps/parts claimed with the exception of accessing one server to receive on a portable terminal device a message comprising a password and address of appropriate server and upon receiving at mobile device using said newly issued password and server address to access another second server to receive a service/digital content/graphic/ticket. Sormunen teaches the use of a one server (password server, equivalent to reception server) as a convenient method of providing a password and address of server, which is sent to a mobile device for later immediately forming a connection to the service provider server-allowing user to enter password. (See Column 4, and column, 5; because it sends password and allows for immediate connection message must

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comprise the address of appropriate server.) Furtherstill Sormunen teaches registration database in Column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have one server dedicated to issuing passwords and sending an appropriate address to access another server which is dedicated to providing the service because Sormunen teaches that an advantage of this method is that the validity of passwords can be shortened remarkably and security thus improved (column 35-41).

NOTE: Sormunen shows accessing a server (password/reception) through a network as claimed, although Sormunen goes through the ticket issuer server also before accessing the reception server. It should be noted that it also shows sending a message to user containing authentication data for use of a service and immediate connection to use service upon sending of email, comprising password and address. Furtherstill Column 5, 15-20 discuss the option of providing to separate data processors/servers. Note also that Applicant's reception server and ticket issue server must also in some way be connected in order to relay information regarding password being valid for issuance of the ticket.

Response to Amendment

17. The amendment filed 11/21/2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states

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that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "authentication section".

Applicant is required to cancel the new matter in the reply to this Office Action.

Response to Arguments

18. Applicant's arguments filed 11/21/2005 have been fully considered but not all are persuasive. Note: That more supporting documents have been submitted regarding PC Mag and the system/method it teaches all retrieved from the "wayback machine" with a 102(a) date regarding REGISOFT the maker of the PC Mag invention, but not necessarily relied upon for the previously issued and now maintained 102(a).

19. With respect to pg 12, 1st P of Remarks, as to the newly presented claims they are addressed with new art because not originally presented.

20. With respect to pg 12, 2nd P, the reception server has been added and is addressed as being equivalent to password server above.

21. With respect to pg 12, 3rd P:

PC Mag allows a user to receive ticket data on a portable terminal device. (fn 1, user buys a ticket over the web and downloads it to PDA).

PC Mags device visibly reproduces the ticket data. (fn 2, the face/display of the PDA shows a voucher containing ticket data comprising a predetermined graphic effective to display the ticket and reproduce on face).

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PC Mag discloses reading this same visibly reproduced ticket data for admission into the site. (fn 3, a Bluetooth reader scans the voucher in PC Mag display which shows the ticket data, the blue tooth reader scans/receives this same ticket data which allows entry into the site (ie purchased ticket – allow entry).

PC Mag obviates the need for a paper ticket and also efficiently facilitates admission to the event site, which was the summary of Applicants invention (see pg 2 of specification).

22. With respect to pg 12 and 13 bridging P and first full P of 13 and 3rd P:

PC Mag does disclose “script information effective to specify a display mode of the ticket data when the ticket data is visibly reproduced on the display of the portable terminal device.”

IEE defines “script” as 1. a text formatting language in which formatting commands are embedded in the text, then processed into a formatted doc. Or 2. an area of non volatile memory reserved for user interface commands to be evaluated at particular times during the open. Fn 1 and fn 2 both do show sufficiently script information effective to specify a display mode.

23. With respect to page 13, 2nd P:

Note: Problem arises in that the claim can be interpreted in two different ways one in that there just needs to be a reading of a “ticket data” or two that there must be a reading of the “image of the ticket data” which Applicant had later tried to add in limitations which correspond to the second interpretation in newly

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added claims 18 and 20 rather than amend the claims to reflect desired invention.

That previous note in mind; PC Mag image does correspond to the "ticket data" (ie; valid ticket for admission). PC Mags ticket data/that information, ticket data/voucher, is scanned from the PDA validates entrance to the event site (fn 2-4).

So in response to Applicant's last P, pg 13 if wanted a scanning of the image of the ticket on the PDA and not merely the reading of the "ticket data"; Applicant should amend the claims as such found in Claims 18 and 20, which recite scanning the image of the ticket and not merely ticket data. Again Applicant has failed to claim that the image of the ticket on the PDA is read to determine authenticity, rather only that the ticket data is read which is accomplished by PC Mag in a different manner, but is read nonetheless and corresponds to visually reproduced image.

24. With respect to pg 14, 2nd P:

Although now moot, because no rejection is made in view of Wang; PC Mag teaches "visible" and Examiner had not relied on Wang to teach audible for purposes of rejection as of yet, because not necessary to do so.

25. Pages 14 and 15 are now moot because Examiner has pulled that rejection in regards to Wang. However the new reference Sormunen addresses the facts of having two servers.

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Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patent No's: 6,299,062 and 6,634,550 and 6,058,381.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-8112. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLB
1/28/06


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